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C O N F I D E N T I A L BAGHDAD 002632

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TAGS: PHUM PGOV PINS KDEM IZ

SUBJECT: IRAQI MINISTER OF INTERIOR NONCOMMITTAL ON ARREST ORDERS

REF: BAGHDAD 1960

Classified By: ROL Coordinator James Yellin for Reason 1.4 (d)

SUMMARY

¶1. (C) Embassy Rule of Law (ROL) Coordinator urged Iraqi Minister of Interior Bolani to execute immediately the arrest orders for people implicated in abuses at the detention facility known as Site 4. Bolani was noncommittal. Comment: Execution of the arrest orders by Bolani would help demonstrate that he is committed to holding ministry employees accountable for human rights abuses. END SUMMARY.

BACKGROUND

¶2. (C) On July 16 Poloff, PolMiloff, and ROL Coordinator met with Iraqi Minister of Interior Jawad al-Bolani to discuss the investigation into the abuses at Site 4 (reftel).

¶3. (C) By way of background, on June 27 an Iraqi investigative judge issued arrest orders for 52 MOI employees implicated in abuses at Site 4. These orders were issued on the basis of evidence collected by the Major Crimes Task Force, which consists of Iraqi investigators supported by FBI and other U.S. investigators. As of July 22, none of the orders had been executed.

¶4. (U) Under Iraqi law Bolani can prevent execution of the arrest orders. Paragraph 136 of the 1971 Law on Criminal Proceedings provides that transfer of an accused employee for trial of an offense committed during performance of, or as a consequence of, his official duties is only possible with permission of the responsible minister.

NEED TO EXECUTE ARREST ORDERS

¶5. (C) ROL Coordinator gave Bolani the names of the ten MOI employees identified by the Major Crimes Task Force as having committed the most egregious offenses. These people include Major General Mahdi Sobiah, Commander of the Second Division of the National Police.

¶6. (C) ROL coordinator urged Bolani to execute immediately the arrest orders, at least for the ten most egregious offenders. Embassy Legatt Bland and TF-134 Commanding General Gardner made a similar demarche to Bolani on July 9. On both occasions, Bolani was noncommittal.

¶7. (C) Bolani told ROL Coordinator that a committee headed by the Inspector General of the Ministry of Interior had been established to review the names for which arrest warrants had been issued. He also said that a committee in the office of the prime minister was looking into ways to deal with human rights abuses.

CONDITIONS AT SITE 4

¶8. (C) Rule of Law Coordinator noted that about 700 detainees remained at Site 4 and that they were suffering from scabies and unsanitary conditions. (About 700 detainees have been transferred from Site 4 to other sites, including the Ministry of Justice prison at Rusafa. The remaining detainees were to be transferred after investigative judges complete reviewing their files.)

¶9. (C) Bolani replied that he was committed to ensuring the humane treatment of all detainees, including those at Site 4. He said that he would immediately contact Site 4 to ensure that the detainees were treated correctly.

COMMENT

¶10. (C) Execution of the arrest orders by Bolani would send a message to ministry employees and others that he is committed to holding people accountable for human rights abuses. Failure to execute the arrest orders would have a contrary effect.

KHALILZAD